IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9288 of 2005

Between:

Sri Devi Santhoshi Mahila Sakti Sangham,

D.No.10-3-30, Veera Raghava Puram,

Samalkota Town & Mandal, East Godavari Dist.,

rep. by its president Smt.Saripireddy Veera Lakshmi.

... PETITIONER

AND

1 The Joint Collector, Kakinada, East Godavari Dist.
2 The Revenue Divisional officer, Kakinada,

East Godavari District.
3 The Mandal Revenue officer, Samalkota, Samalkota Mandal,

East Godavari District.
4 Jai Ganesh Mahila Sakthi Sangam, Kothuri Street,

Samalkota Mandal, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not allowing the petitioner Sangham to run the fair price shop No.7 of Samalkota without any order thereon and

also in allowing the 4th respondent to run the said shop unauthorizedly as illegal, arbitrary, unjust and contrary to law Consequential direct the respondents herein to release the stock to the petitioner to supply commodities to the card holders.

Counsel for the Petitioner:MR.S.A.RAZAK

Counsel for Respondent Nos.1 to 3:GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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O R D E R:

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Questioning the action of the 3rd respondent in refusing to release the commodities in favour of the petitioner and in allowing the 4th respondent to run the Fair Price Shop No.17 of Samalkota, in the place of the petitioner, the petitioner filed this writ petition.

The petitioner is the Dwakra group and it was appointed as dealer of Fair Price Shop No.17, Samalkot town, East Godavari District, through proceedings dated 16.11.1999. In February 2005, when the petitioner approached the 3rd respondent for release of the stock, he refused to release the stock without assigning any reasons. The petitioner contends that it came to know to that the 3rd respondent allowed the 4th respondent to distribute the commodities and permitted it to lift the stock. Despite the representation made by the petitioner to the respondents 1 and 2 on 28.02.2005, no action has been taken so far. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Though the matter was adjourned on 25.4.2005, enabling the learned Government Pleader to get instructions from the respondents, she did not get any instructions. The learned counsel for the petitioner contends that without assigning any reason or without canceling the authorization of the petitioner, the 3rd respondent refused to release the commodities in favour of the petitioner, and instead, released the same

in favour of the 4th respondent.

In that view of the matter, as the authorization of the petitioner is still subsisting, and as the 3rd respondent has no authority to release the commodities in favour of the 4th respondent to distribute the same in the place of petitioner, I deem it appropriate to direct the respondents 1 to 3 to allow the petitioner to distribute the commodities. However, the respondents 1 and 2 are directed to consider the representation of the petitioner, dated 28.02.2005, and pass appropriate orders, within a period of four weeks from today.

With the above directions, the writ petition is disposed of at the stage of admission. No order as to costs.

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27th April 2005

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To

1 The Joint Collector, Kakinada, East Godavari Dist.
2 The Revenue Divisional officer, Kakinada,

East Godavari District.
3 The Mandal Revenue officer, Samalkota, Samalkota Mandal,

East Godavari District.
4 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two C.D.copies.